



5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
Fax (559) 456-3194
www.sjrc.ca.gov

GOVERNING BOARD

Mike Karbassi, Chairperson
Councilmember, City of Fresno

Steve Brandau, Vice-Chairperson
Supervisor
Fresno County Board of Supervisors

Brett Frazier, Supervisor
Madera County Board of Supervisors

Santos Garcia, Mayor
City of Madera

Kacey Auston, Director, Fresno
Metropolitan Flood Control District

Carl Janzen, Director
Madera Irrigation District

Julie Vance, Regional Manager
Department of Fish and Wildlife

Kent Gresham, Sector Superintendent
Department of Parks & Recreation

John Donnelly, Executive Director
Wildlife Conservation Board

Andrea Scharffer, Assistant Secretary
Natural Resources Agency

Jennifer Lucchesi, Executive Officer
State Lands Commission

Matt Almy, Program Budget Manager
Department of Finance

Bryn Forhan
Paul Gibson
Vacant
Citizen Representatives

John M. Shelton
Executive Officer

250.20

STATE OF CALIFORNIA
Gavin Newsom, Governor

MINUTES

WEDNESDAY, SEPTEMBER 1, 2021
SAN JOAQUIN RIVER CONSERVANCY

Board Meeting Location:

Consistent with Governor Newsom's Executive Order N-29- 20, the public and Board members participated in a meeting via Zoom and teleconference. Public comment was accepted per the agenda.

MEETING AGENDA

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mr. Karbassi called the meeting to order at 10:01 a.m., and Mr. Brandau led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Mr. Karbassi	X			
Mr. Brandau	X			
Mr. Frazier	X			
Mr. Garcia	X			
Ms. Auston	X			
Mr. Janzen	X			
Ms. Vance	X			
Mr. Gresham	X			
Mr. Donnelly	X			
Ms. Scharffer	X			
Ms. Lucchesi	X			
Ms. Lukenbill	X			
Ms. Forhan			X	
Mr. Gibson	X			

Ms. Gavina confirmed a quorum was present.

Legal Counsel Present: Christina Morkner Brown, Deputy Attorney General

Staff Present: John Shelton, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst

Vanessa Gavina, Staff Services Analyst
Erin Aquino-Carhart, Program Manager, San Joaquin River
Conservancy Projects, Wildlife Conservation Board (WCB)

B. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code §54954.2(b)(2))

There were no additions to the Agenda.

C. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

There were no potential conflicts of interest.

D. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

Ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

There were no public comments.

E. CONSENT CALENDAR

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

E-1 ACTION ITEM: Approve Minutes of April 7, 2021

Chairman Karbassi inquired if any members of the Board would like to make any comments or amendments prior to the motion of approving the minutes. With none given, a motion was made.

Mr. Janzen moved to approve the amended minutes from Consent Calendar; the motion was seconded by Mr. Brandau. The motion passed as follows:

Roll Call Vote:

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Mr. Gibson	X		

F. REGULAR SESSION ITEMS

F-1 ACTION ITEM: Authorize Bond Funds and a Grant to the City of Fresno for the River West Eaton Trail Extension Project.

Staff Recommendation: It is recommended the Board approve \$3,104,831.00 in bond funds and a grant agreement with the City of Fresno for the River West Eaton Trail Extension Project. Wildlife Conservation Board (WCB) authorization would be requested at November 2021 meeting.

Mr. Shelton stated that with the requested funding, the City of Fresno would begin and complete final engineering designs, and secure permits for the River West Fresno Eaton Trail Extension Project. The project will extend the existing Lewis S. Eaton Trail approximately 2.4 miles starting at the Perrin Avenue alignment near Highway 41 and ending at the City of Fresno's Spano Park. The trail will be 22 feet wide, with a 12-foot-wide paved surface, a parallel eight-foot-wide hard natural surface for equestrian use, and a two-foot shoulder. In addition to the trail system, the project will include three access points with parking lots- Perrine Avenue, Riverview Drive, and North Palm Avenue.

Mr. Shelton noted that the Perring Avenue parking lot will provide parking for 50 vehicles and three horse trailers, a two-vault restroom with drinking fountains, planting areas with new trees, and a pet station. The Riverview Drive parking lot will provide parking for 15 vehicles and an additional 15 street-marked parking stalls. The existing gravel road would be improved to provide bus access, bus turn-around, and bus parking. The North Palm Avenue parking lot will be accessed by a new access road from the Palm Avenue cul-de-sac. The new road would be constructed across the bluff face downgrading toward the river bottom, around the east side of the Fresno Metropolitan Flood Control basin, and then back west toward the new parking lot. The parking area would provide parking for 40 vehicles, a two-vault restroom with drinking fountains, planting area, and a pet station.

The City of Fresno will also explore alternative improvements to mitigate traffic at the intersection of Del Mar and Audubon. These improvements would not only address the impacts of vehicle traffic at the intersection but would encourage greater use by pedestrians and bicyclists as an access point to the river.

Mr. Shelton showed a timeline that the City of Fresno will be following for the Eaton Trail. On the timeline, staff is hoping for approval and to be able to move this forward today. Wildlife Conservation Board (WCB) will consider approval at their November 18th meeting. Then, it will take some time to file a CEQA Notice of Exemption (NOE) and prepare and execute the grant. This will hopefully be finished at the end of January. The City of Fresno's first big project is to hire consultants to prepare the Statement of Qualifications (SOQ), advertise, get approval from the City Council, and then do a contract. This will begin in late January into mid to late summer. From there, the actual work begins, which includes: plans, specifications, estimates, and permitting, and that will take place between September 2022 to July 2023. The bid construction package will start in October 2023 and should be completed by mid-December 2023. This is a relatively expensive project. Staff estimates that the total cost of this project will likely be over \$10 million for construction and the rest of the engineering. This is approximately \$ 3.2 million of work that will be done on this. The City of Fresno has some indirect costs that they are going to absorb. They also have funding that they are putting together towards doing some of the engineering design for Audubon, and some of the other work that is in this area. The City of Fresno will also be allocating over a million dollars towards some of this work. Our funding and their funding combined are an important part of the process. It is recommended by the staff that the Board approves this, and we move forward on this project. Mr. Shelton introduced Mr. Jesus Avita from the City of Fresno to present.

Mr. Avita stated that he is excited to partner with the Conservancy and WCB in moving the project forward, and he will provide more details on the key points of the application and will answer any questions. He stated they are fully recommending to the Board to approve the 3.1 million to help fund the design and the engineering for the Eaton trail extension. He anticipates starting the job in January 2022, and then completing the design, and going out to bid and construction sometime in December 2023. There will be cost-sharing which will be handled internally. The goal of the job is to provide an enhanced river experience to the public by constructing the improvements that were mentioned by Mr. Shelton. Through the grant, the funding will allow them to prepare the final engineering design and construction documents and secure permitting. They will be creating three additional access points near Highway 41 and Perrin Avenue, Riverview Drive, and North Palm Avenue. In total, these three new access points will provide parking for 105 vehicles, three horse trailers, and a school bus drop-off location, along with providing new restrooms, park benches, approximately three miles of multiuse trails, and two viewing areas. The project is part of the Conservancy Master Plan to extend the trail from Friant Dam to Highway 99, and the City of Fresno is excited to be a part of that. Regarding the permitting, they are tracking the need for approximately seven permits from the US Army Corps of Engineers (USACE), Central Valley Flood Protection Board (CVFPB), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), State Lands Commission (SLC), and the San Joaquin Valley Air Pollution Control

District. In this portion of the grant, they would have acquired the seven permits that would allow them to move in and take the project to bid and construction. As part of the deliverables, they will be delivering according to progress reports in engineering design; and they plan to follow a four-phase design, 30 percent concept, 60 percent concept, 90 percent concept, and 100 percent concept. While those plans are being prepared consistent with the Environmental Impact Report (EIR), they will be preparing a habitat restoration and revegetation plan that will consider the native species or other features that should be restored or kept during construction. They will be pursuing the permits. The budget breakdown is as follows: they are expecting that the engineering design will take approximately two million dollars, with permitting most likely being the most expensive and costing at least one million dollars for these seven permits. Mr. Avita showed slides illustrating the conceptual designs of the proposed three access points. He explained their project schedule and budget, as previously detailed by Mr. Shelton, and noted that the City of Fresno will be partnering with the Conservancy to try to find out what the best solution is for the Del Mar and Audubon intersection. Mr. Avita also mentioned they received letters of support from Fresno Councilmembers Karbassi and Bredefeld and Fresno County Supervisor Brandau. Mr. Avita concluded the summary of their application and asked if there were any questions.

Ms. Vance noted that she remembers when the Board approved the EIR on this project, and there were questions about whether it would accommodate all three of these access points. She inquired what was the status of that, and if it was handled with an addendum.

Mr. Shelton replied that when the settlement process included all three access points and that the Conservancy staff prepared the addendum to cover both the base project access and the two additional access points included in two of the EIR alternative. The Board then approved the addendum. So yes, all three access points were covered in the addendum that was circulated, signed, and filed with the State Clearing House, and the review period has been closed.

Mr. Frazier stated that this was a great presentation, and it was great to be able to see all of this come to fruition. He thanked the Board, staff, and everyone that worked on this project to get it to this point. He stated that when the Board is ready, he would like to move for approval.

Mr. Janzen stated that the presentation lists a cost of approximately \$3.1 million, but Mr. Shelton stated there is \$10 million left in bond funding. He asked if funding will be depleted when the project was over.

Mr. Shelton answered that with our current funding that stands correct. He and Mr. Donnelly had a discussion on this earlier this week with staff. However, the Conservancy has some additional funding that may be applied towards this. In the past, we believed more bond acts were going to be passed, so we relied on some of that for our other projects that are currently in the planning stages to move them into the implementation. Most of the processes that the Conservancy currently has are probably two to two and half years out for any type of construction, so there will be somewhat of a bottleneck on approving projects after this one. He added that the Conservancy has a lot of work that is

going on. Currently, the Conservancy is the lead agency in three different CEQA processes. He noted that the Conservancy has obtained an additional \$15 million from the general funds for operations and maintenances that can potentially be transferred over to other project-like issues. However, when that is considered, we will have a lot of things to do within the next couple of years. Mr. Shelton clarified that the Conservancy does have some funding, but our bond funds are now getting tight.

Ms. Lukenbill inquired about the project location (noted on page three of the application). It listed several assessors' parcel numbers and the owners related to those parcels, but some of those appeared to be owners. She asked if those lands are being acquired, or if there are easements with the owners.

Mr. Shelton said that for most of the non-private parcels, we will be doing easements. We have been working with the Fresno Metropolitan Flood Control District (FMFCD), the City of Fresno, State Lands Commission, and the San Joaquin River Access Corporation regarding this. There is a parcel that is listed as SOB Enterprise LLC that he believes is the old designation, and now possibly part of the SJRAC, but this will all get clarified as permitting process goes through. So far, there has not been anything that he believes an easement will be necessary for other than public lands. The other reason that these are included is that some areas are near Conservancy property or contiguous; however, we do not own the bluff. The City of Fresno owns the bluff where the Conservancy has the access point, but there are other places within the project location where we do not own the bluff. In those areas that were shown, there is probably some of their land that is included that we wanted to make sure was being made public.

Chairman Karbassi asked if there were any other questions from Board members, and with none given, he went to public comment.

PUBLIC COMMENT:

Ms. Sharon Weaver, Executive Director of the San Joaquin Parkway and Conservation Trust, stated that she wanted to follow up on Ms. Lukenbill's question regarding the private parcels that are listed in the grant proposal. She said that there was nothing in the proposal that explained what type of work was going to be done on these private properties, and there is no information about whether these private property owners know that there is a project being planned near their land. She had her project manager, Jake Salimbene, map the aforementioned 4 ½ acre parcels to figure out where these properties are. They are the 4 ½ acre parcels that surround the Del Mar and Audubon intersection, which she assumes are related to the traffic light or traffic control. She stated this seems like an issue with the proposal if the Conservancy plans to utilize public funds on private property, and there is no information about what that means. She also asked about the ten million dollars left in bond funding for the Conservancy. According to Ms. Weaver, the last time she spoke to Mr. Shelton, there was purportedly 28 million dollars, and she is concerned about where all the money was spent. She requested that Conservancy staff add a presentation at the next board meeting to give an update on the utilization of bond funds.

Ms. Sheila Hakimipour offered her support for this project as a Bluff and Audubon resident. She stated that the reason that she invested in living in the neighborhood was knowing the potential for access opportunities that are currently beginning to happen all over the river. There has been a lot of discussion and controversy over some of the access points, especially on Palm and Nees, and she would like to encourage everybody to see the bigger vision of creating more access. That is something that is a common goal, and she believes we should all aim for and work around it. She is happy to see this project moving forward.

Mr. Karbassi asked if there were any other members of the public that had questions, with none, he moved it back to the Board for motion.

Mr. Frazier moved to approve the action item; the motion was seconded by Ms. Auston. The motion passed as follows:

Roll Call Vote:

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia		X	
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Mr. Gibson	X		

F-2 ACTION ITEM: Appointment of Board Ad Hoc Committee, Annual Evaluation of Executive Officer

Staff Recommendation: It is recommended the Chairman appoint Board members to serve on an ad hoc committee to perform a routine annual evaluation of the Executive Officer, with a report to the Board in closed session at the December 2021 meeting.

Mr. Shelton stated that he has approximately three years into the position, and this will be his second review. For this evaluation, he will give a review of the objectives he set a year prior, his objectives for the upcoming year, and his overall performance can be discussed. A merit salary adjustment and benefits will be considered. When the last review was conducted, the Board forwarded a recommendation to the California Natural Resources Agency (CNRA), but because of the budget issues, they were not approved at CNRA. He is hoping that this year, if he has a positive review, they can move it through. This evaluation will be a three-part process. First, a review will be done by the ad hoc committee

to advise the Executive Officer what his priorities should be for the next coming year. After the review of the ad hoc committee, the full Board will make the decision to make a recommendation, and lastly, it will go to CNRA for a merit salary adjustment.

Mr. Karbassi noted that although Ms. Forhan was not in attendance for the Board meeting, she had expressed an interest to him in serving in the ad hoc committee for Mr. Shelton's evaluation.

Mr. Frazier, Mr. Janzen, Ms. Auston, and Mr. Karbassi all volunteered to serve on the ad hoc committee designated for the annual evaluation of the Executive Officer.

Mr. Janzen moved to approve the action item; the motion was seconded by Mr. Frazier. The motion passed as follows:

Roll Call Vote:

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Mr. Gibson	X		

G. ADMINISTRATIVE AND COMMITTEE REPORTS

Information Items. No action of the Board is recommended.

G-1 Organizations' Reports: If time allows, the following oral reports will be provided for informational purposes only and may be accompanied by written reports in the Board packet.

G-1a. San Joaquin River Parkway and Conservation Trust

Ms. Sarah Parkes shared that the Parkway Trust recently wrapped up the 2021 season of river camp. They were able to serve over 1,100 children from pre-school through high school at their four river camp sites, including Summer Peck Ranch, Owl Hollow, the River Center, and one in the community of Firebaugh. It was an incredibly successful season with no illnesses to report. It was special for the campers that were able to come out and engage in peer-to-peer interaction, outdoor education, and play

along in the river. The official start of their schoolyear field trip season just began in which they will be serving every sixth-grade student in Madera Unified. Their education team is at the first school site today and doing an in-class presentation. Later this fall, those students will visit them at Owl Hollow, and in the Spring, they will have a trip to Sycamore Island where they will get to canoe. For some of those children, it will be their first time, and it will be a fantastic experience. They will also be serving third and fourth-grade students from Fresno Unified School District. She mentioned the Parkway Trust has also recently had their first great harvest for white-wine grapes at Sumner Peck Ranch, and it was a successful operation. Soon, they will be working on the red-wine grapes. Many people are out enjoying that property thanks to the lease agreement with Solitary Sellers. Lots of visitors are able to access that site whether they are going to the winery or to enjoy a walk along the river.

Ms. Parkes noted that their restoration team recently cleaned up a large, abandoned homeless encampment at Sycamore Island. They are also experiencing quite a bit of vandalism and theft throughout the properties that they are operating, including Sycamore Island, Sumner Peck Ranch, and Owl Hollow. Additionally, there have been multiple fires that have been happening on the parkway. In fact, one occurred on the bluff across Old Friant Road last week, so they have been very concerned about that.

G-1b. River Tree Volunteers

Mr. Richard Sloan was not present to give a report. However, Mr. Gibson shared that Mr. Sloan and some volunteers were working on cleaning up a large homeless camp on the peninsula across from Sycamore Island. This peninsula is often accessed through Palm and Nees. Likewise, there are large amounts of trash that they are hauling and then trailering into a dumpster. Mr. Sloan continues to do the amazingly hard work needed along the river. Thanks to him and the many volunteers, River West will be reasonably cleaned up near the time the access points are completed.

G-1c. Central California Off Road Cyclist (CCORC)

Mr. Gary Bowser stated that he had nothing to report.

G-1d. San Joaquin River Access Corporation (SJRAC)

Mr. Barry Bauer stated that the SJRAC's basic motto is safe and convenient river access. Their properties are located at Palm and Nees, and he stated that they are open to the public if local ordinances are not violated. He mentioned a few unfortunate incidents that recently took place. There were a couple of arson fires that were extinguished by the Fresno Fire Department along the yellow gate road. A neighborhood resident witnessed a homeless couple starting the fire, and so they are trying to encourage their eyewitness to come forward with information in aiding the investigation. He mentioned a couple of incidents of unauthorized access. They cut the locks and were towed from the property. In another incident, a vehicle was blocking the entry point and making it impossible for their dumpster to get services. He mentioned all the cleanups of graffiti and encampments that Mr. Richard Sloan and volunteers have done. Mr. Bauer assisted recently on one of the graffiti cleanups.

Board member Vance stated that she recognizes landowners have been struggling with unauthorized encampments and access points, but she is hoping that when there is formalized access and lots of public eyes, that these incidents will decrease, especially with regard to River West.

Chairman Karbassi agreed and said that these organizations are essential to ensuring that we can have equitable, responsible, and safe access to the river. He thanked them for all that they do and relayed his concern hearing about the safety issues from both the SJRAC and Parkway Trust. He mentioned he and Mr. Shelton have been meeting with the Fresno County Fire Department to ensure that every year we can have fire breaks, so there is no added stress to property owners. He stated that homelessness is a tragic thing for people to go through, but regardless of that, we cannot allow public use of properties and private property to be victims of fires because that causes a real hazard and burden on taxpayers. He stated he is going to do everything he can to ensure there is more safety, and hopefully, some operations and maintenance money can be used to do that for both sides of our county borders.

G-2 Deputy Attorney General Report

Ms. Christina Morkner-Brown stated that she has two items to report. The first item is that Governor Newsom issued an Executive Order in June that is going to end certain provisions that the Board has been operating under, which include holding remote meetings. Under the order that was issued back in March of 2020, it allowed public agencies operating through both the Bagley Keen Act and the Brown Act, to suspend physical meeting location requirements and have meetings held remotely. However, under Executive Order N0821 issued on June 11th, those provisions end on September 30, 2021; so unless there is another order issued extending some of the provisions, then we resume back to the normal Brown Act and Bagley Keen Act requirements. The main requirements that pertain to this Board include: posting a physical meeting location, and posting the location of the Board members who are participating remotely to ensure that the location is accessible to the public.

Ms. Morkner Brown stated that she also researched whether there are modifications proposed for the Brown Act or Bagley Keen. She said she found one bill, AB 885 from Assemblymember Quirk, but it hadn't moved forward since March. It has been held in committee, and it would modify Bagley Keen to allow board members to participate remotely without posting or making their location publicly available, provided there is still a physical location where board members can participate, so we must watch whether that moves forward. This pertains only to Bagley Keen, which if AB 559 proceeds, this board would then operate under Bagley Keen once that goes into effect.

Chairman Karbassi stated that since there are a lot of things in flux, he wants to ensure that if we have any board members that are in quarantine, have health-related concerns, or are not comfortable with meeting in person, if they can let him know to what degree that they can participate in upcoming meetings, although they may not be able to vote remotely.

Ms. Morkner Brown clarified that as of today, we still have the remote provisions until September 30th. However, with the next Board Meeting scheduled in October, it would return to the prior provisions; so if Board members participate remotely, the recommendation is that they do so from a public office. Also, they would have to make that available to the public, under the existing provisions, and socially distance with masks and any other health requirements that are required for their locations.

Chairman Karbassi inquired if Board members can participate in a remote meeting if they do not have their location publicly noticed.

Ms. Morkner Brown said she believes if they are participating in that manner, then they are not participating as a board member. This is because to be a voting participating member, they need to follow all the provisions of the act. However, she would look into it.

Ms. Vance commented that if the Board does return to in-person meetings, she is hoping requirements will be made prior to the meeting for masking and spacing. This is a request for that to be considered and disseminated before we meet in person.

Mr. Karbassi stated he will work with the staff to provide some recommendations.

Ms. Morkner Brown stated that the second item to report was a quick update on AB 819, which is a CEQA bill that was passed and signed into law in July. It primarily updates CEQA to take into account that notices and other documents that are filed with OPR can be handled electronically. Some of these provisions were in place through emergency orders during the pandemic, and now they have been incorporated into the Statute. It also requires that the public review period is longer for state agencies, if they are a lead, state responsible, or trustee agency. For example, EIR's can be posted 30 days or 45 days. But if the state agency is a lead, responsible, or a trustee agency, it is 45 days. She believes most agencies do use the 45-day period. However, that is now required for negative declarations/mitigated negative declarations rather than the previous 20-day period. The 30-day public review period must be followed. Ms. Morkner Brown stated that there were no significant changes to the bill other than the aforementioned changes regarding the electronic filing and posting of the notice of decision on the agencies' website. A lot of agencies have already been doing this, but now it has been incorporated into the Statute.

G-3 Executive Officer Report

Mr. Shelton updated the Board on the state budget. Stating that the funds have relatively stayed the same this fiscal year. There was a change in the program delivery funding for Prop 84, and that was to cover some additional work with staff, and to have it reflect what we were already getting out of the Wildlife Conservation Board (WCB) and the Department of Parks and Recreation (Parks and Recreation). The Conservancy had a small increase in the Environmental License Plate Fund (ELPF) to cover an increase in salaries and expenditures for the Department of Justice (DOJ). In general, with our three staff, two positions are covered with ELPF funding, and the other position is covered utilizing bond funding

program delivery. Our legal advice from the Department of Justice is covered through the ELPF, and support staff at WCB and Parks and Recreation are covered through program delivery. The fundamental change was the appropriation that was received for the general fund for 15 million dollars. This was carried in the regular budget bill, and then there was a budget junior bill that put a more detailed description of how it can be spent. The Conservancy has three years to expend these 15 million dollars if we encumber it; and if we enter into contracts, we have an additional two years. However, staff resources and our regular operations typically use approximately \$400,000 to \$500,000 a year, so careful considerations will need to be made to decide how to spend this and where to spend it. There are several ideas we are pondering, and they may be within the delegated authority for us to do. For instance, Wildwood Native Park is currently open three days a week, but we believe we have the ability to immediately move that into a seven day a week operation. It is not certain yet if bids would have to go out to redo the process, or if we can just increase the service agreements that we currently have. The Conservancy has also had discussions with the Parkway Trust to do a similar change for Sycamore Island and change it from three days a week to a seven day a week operation. The main reason it is only opened three days a week is that Friday and weekend gate fees can usually cover the Parkway Trusts operating costs; and if the Conservancy decides on opening seven days a week, there will have to be some sort of supplements to be able to afford it being operated. Staff will work with Parks and Recreation to find out if it has to go back out for a solicitation for concession, but it is going to take a little while to clarify everything as we go through.

The Conservancy may be able to fund some bigger projects that will come to the Board for discussion and approval with the 15 million dollars. For instance, Mr. Shelton reached out to the Fresno Police Department's mounted patrol to see if they are interested in doing some patrolling of the river bottom. It would be helpful because there would be some police presence down in the area. We may be able to do the same thing with the two Sherriff's Departments, but we will continue to look into that. There have also been discussions with the City of Fresno's Fire Department and Cal-Fire regarding fire abatement. In the past, the California Conservation Corps, the Fresno Economic Opportunity Commission, and the Local Conservation Corps were utilized for fire abatement, and staff would possibly like to increase funding to do more of this. The Conservancy has the funding for the next three years, and if we get a Joint Powers Authority (JPA), we can get a contract with the JPA to do maintenance with this funding. We have three years to get that up and going, so we can do some of this work. The 15 million dollars is a huge increase in Conservancy funding, and Assemblymember Arambula and his staff were very instrumental in getting us this funding.

Mr. Shelton mentioned that there has been a lot of discussion on AB 559 that Assemblymember Arambula sponsored. In his Executive Officer's written report, there was a copy from the bill analysis from the Senate Committee on appropriations. It gives an outlook on the current bill that is being proposed on the Senate floor. It has gone through a couple of changes, so it has been interesting

to follow as it as it went through the process. The main issue is they are going to increase the Governing Board from 15 to 16 voting members. Two new members will be added, and then they are going to combine the Fresno Metropolitan Flood Control District (FMFCD) and the Madera Irrigation District (MID) into one alternating board position. The two new positions are important. The first one is a citizen representative of a Native American tribe or organization. This is either a tribe that is federally recognized or recognized under the Native American Heritage Commission as a California Native American Tribe. They will recommend or nominate members that will go up to the Governor's Office for final approval. The other new position is for a Youth member. The Youth member is nominated by organizations with youth or of higher education. The nominations will also be forwarded to and approved by the Governor's Office. Additionally, the citizen representative positions for both counties will be moved out of the approval from the Governor's Office. The Fresno County citizen representative will be nominated by the groups that serve recreational, environmental, social justice, and environmental justice issues, and then the County of Fresno will send that list to the Senate Rules Committee, and they will make the appointment. For the citizen representative for Madera County, a similar process will occur; however, once the County of Madera receives their list of nominations, they will forward it to the Speaker of the Assembly for the appointment. In total, we will move from three citizen representatives to five citizen representatives, with three of those positions continuing to be appointed by the Governor's Office, one position from the Senate Rules Committee, and the last position from the Speaker of the Assembly. It will also change our governing legislation from the Brown Act to Bagley-Keene Open Meeting Act. There will be changes with noticing, and it will make subcommittees and our ad hoc committees available to the public. This bill is currently on the Senate floor right now, and the Governor's Office will determine whether it is approved and signed.

Mr. Frazier supports that this bill is incorporating Native American and Youth members that are local rather than a non-local governor appointment. However, he was under the impression that it was not going to join MID and FMFCD into an alternating position. He believes it takes away the representation of Madera, the continuity of the board, and also, institutional knowledge.

Mr. Garcia stated that it would have been useful to have Assemblymember Arambula at this meeting to speak to the Board regarding the subject. He knows there has been a lot of discussion about what exactly he is proposing out of Assembly. Madera City Council took a vote early on in support of AB 559. Mr. Garcia stated that the Board has needed more inclusivity, and as far as the City Council looks at it, it is not removing people, it is expanding the Board to make it more diverse.

Ms. Vance reminded everyone that state agencies are not allowed to comment on pending legislation, so state representative silence does not indicate a lack of interest, but rather, following protocol.

Chairman Karbassi added that while he initially did support the City of Fresno's resolution to support AB 559, he regrets doing so. Initially, he was not an opponent of what the bill proposed: filling the Madera County citizen representative position, adding two additional citizen representative positions with a youth member and member from a Native American tribe/organization, and implementing the change of board operation with Bagley-Keene Open Meeting Act. However, he has come to believe that this is not what this bill is about. He believes that this has been more of a power grab by Sacramento, and now that the Senate Rules Committee is involved and will be making approvals on nominations, he believes that it takes away the sovereignty of the local government. He said he is especially disappointed that they will be combining both the MID and FMFCD into one alternating position. To him, that gives more of an advantage in numbers to the State, than the local community.

Mr. Shelton continued with the rest of his report. He stated that the other item he wanted to report was that the state bond act had not had any movement for several months. His understanding is that because of the state surplus and the extra funding given to many state agencies, legislative staff believes that there is no interest by the public for the bonds to be voted upon. That does cause some issues for agencies that only get temporary funding. The 15 million will be beneficial, but the Conservancy relies heavily on bond funds, which is a significant reason we want to do a Joint Powers Authority. This would provide the Conservancy more flexibility to do our own permitting and go for funding.

One of the project updates that he felt noteworthy to mention was that we are getting ready to have our kickoff for the Western Reaches Activation Plan, which is at Camp Pashayan and Milburn. He believes the kickoff will be in late September. We also did a kickoff with subcontractors at our Circle V Indigenous Cultural and Environmental Resource Center. The U.S. Green Building Council (USGBC) has also hired an architect firm, Art Dyson Associates. They are a local firm and well respected. In discussion with Lara Gromis, USGBC, she informed Mr. Shelton that they have an engineering firm to help do the CEQA.

G-4 Board Members' Reports and Comments
None.

H. CLOSED SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

None

I. NOTICE OF ADVISORY AND BOARD COMMITTEE MEETINGS, OTHER PUBLIC MEETINGS RELATED TO CONSERVANCY MATTERS

None.

J. NEXT BOARD MEETING DATE

The next Board meeting is scheduled for 10:00 a.m. Wednesday, December 1, 2021, location to be determined.

K. ADJOURN

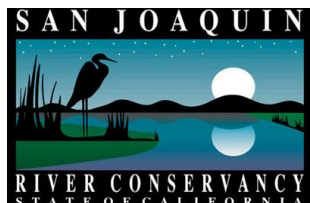
Board meeting notices, agendas, staff reports, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact the Conservancy at (559) 253-7324.

Mr. Karbassi adjourned the meeting at 11:32 a.m.

Respectfully Submitted,

DocuSigned by:
John M. Shelton
BD85257A1B334F2...

John M. Shelton
Executive Officer- San Joaquin River Conservancy



5469 E. Olive Avenue
Fresno, California 93727
Telephone (559) 253-7324
Fax (559) 456-3194
www.sjrc.ca.gov

GOVERNING BOARD

Mike Karbassi, Chairperson
Councilmember, City of Fresno

Steve Brandau, Vice-Chairperson
Supervisor
Fresno County Board of Supervisors

Brett Frazier, Supervisor
Madera County Board of Supervisors

Santos Garcia, Mayor
City of Madera

Kacey Auston, Director, Fresno
Metropolitan Flood Control District

Carl Janzen, Director
Madera Irrigation District

Julie Vance, Regional Manager
Department of Fish and Wildlife

Kent Gresham, Sector Superintendent
Department of Parks & Recreation

John Donnelly, Executive Director
Wildlife Conservation Board

Andrea Scharffer, Assistant Secretary
Natural Resources Agency

Jennifer Lucchesi, Executive Officer
State Lands Commission

Matt Almy, Program Budget Manager
Department of Finance

Bryn Forhan
Paul Gibson
Vacant
Citizen Representatives

John M. Shelton
Executive Officer

250.20

STATE OF CALIFORNIA
Gavin Newsom, Governor

MINUTES

WEDNESDAY, SEPTEMBER 1, 2021
SAN JOAQUIN RIVER CONSERVANCY

Board Meeting Location:

Consistent with Governor Newsom's Executive Order N-29- 20, the public and Board members participated in a meeting via Zoom and teleconference. Public comment was accepted per the agenda.

MEETING AGENDA

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mr. Karbassi called the meeting to order at 10:01 a.m., and Mr. Brandau led the pledge of allegiance.

A. ROLL CALL

Name	Present	Telecon- ference	Absent	Late
Mr. Karbassi	X			
Mr. Brandau	X			
Mr. Frazier	X			
Mr. Garcia	X			
Ms. Auston	X			
Mr. Janzen	X			
Ms. Vance	X			
Mr. Gresham	X			
Mr. Donnelly	X			
Ms. Scharffer	X			
Ms. Lucchesi	X			
Ms. Lukenbill	X			
Ms. Forhan			X	
Mr. Gibson	X			

Ms. Gavina confirmed a quorum was present.

Legal Counsel Present: Christina Morkner Brown, Deputy Attorney General

Staff Present: John Shelton, Executive Officer
Rebecca Raus, Associate Governmental Program Analyst

Vanessa Gavina, Staff Services Analyst
Erin Aquino-Carhart, Program Manager, San Joaquin River
Conservancy Projects, Wildlife Conservation Board (WCB)

B. ADDITIONS TO THE AGENDA

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required for consideration. (Gov. Code §54954.2(b)(2))

There were no additions to the Agenda.

C. POTENTIAL CONFLICTS OF INTEREST

Any Board member who has a potential conflict of interest may identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

There were no potential conflicts of interest.

D. PUBLIC COMMENT & BUSINESS FROM THE FLOOR

Ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are not on the agenda and are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

There were no public comments.

E. CONSENT CALENDAR

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

E-1 ACTION ITEM: Approve Minutes of April 7, 2021

Chairman Karbassi inquired if any members of the Board would like to make any comments or amendments prior to the motion of approving the minutes. With none given, a motion was made.

Mr. Janzen moved to approve the amended minutes from Consent Calendar; the motion was seconded by Mr. Brandau. The motion passed as follows:

Roll Call Vote:

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Mr. Gibson	X		

F. REGULAR SESSION ITEMS

F-1 ACTION ITEM: Authorize Bond Funds and a Grant to the City of Fresno for the River West Eaton Trail Extension Project.

Staff Recommendation: It is recommended the Board approve \$3,104,831.00 in bond funds and a grant agreement with the City of Fresno for the River West Eaton Trail Extension Project. Wildlife Conservation Board (WCB) authorization would be requested at November 2021 meeting.

Mr. Shelton stated that with the requested funding, the City of Fresno would begin and complete final engineering designs, and secure permits for the River West Fresno Eaton Trail Extension Project. The project will extend the existing Lewis S. Eaton Trail approximately 2.4 miles starting at the Perrin Avenue alignment near Highway 41 and ending at the City of Fresno's Spano Park. The trail will be 22 feet wide, with a 12-foot-wide paved surface, a parallel eight-foot-wide hard natural surface for equestrian use, and a two-foot shoulder. In addition to the trail system, the project will include three access points with parking lots- Perrine Avenue, Riverview Drive, and North Palm Avenue.

Mr. Shelton noted that the Perring Avenue parking lot will provide parking for 50 vehicles and three horse trailers, a two-vault restroom with drinking fountains, planting areas with new trees, and a pet station. The Riverview Drive parking lot will provide parking for 15 vehicles and an additional 15 street-marked parking stalls. The existing gravel road would be improved to provide bus access, bus turn-around, and bus parking. The North Palm Avenue parking lot will be accessed by a new access road from the Palm Avenue cul-de-sac. The new road would be constructed across the bluff face downgrading toward the river bottom, around the east side of the Fresno Metropolitan Flood Control basin, and then back west toward the new parking lot. The parking area would provide parking for 40 vehicles, a two-vault restroom with drinking fountains, planting area, and a pet station.

The City of Fresno will also explore alternative improvements to mitigate traffic at the intersection of Del Mar and Audubon. These improvements would not only address the impacts of vehicle traffic at the intersection but would encourage greater use by pedestrians and bicyclists as an access point to the river.

Mr. Shelton showed a timeline that the City of Fresno will be following for the Eaton Trail. On the timeline, staff is hoping for approval and to be able to move this forward today. Wildlife Conservation Board (WCB) will consider approval at their November 18th meeting. Then, it will take some time to file a CEQA Notice of Exemption (NOE) and prepare and execute the grant. This will hopefully be finished at the end of January. The City of Fresno's first big project is to hire consultants to prepare the Statement of Qualifications (SOQ), advertise, get approval from the City Council, and then do a contract. This will begin in late January into mid to late summer. From there, the actual work begins, which includes: plans, specifications, estimates, and permitting, and that will take place between September 2022 to July 2023. The bid construction package will start in October 2023 and should be completed by mid-December 2023. This is a relatively expensive project. Staff estimates that the total cost of this project will likely be over \$10 million for construction and the rest of the engineering. This is approximately \$ 3.2 million of work that will be done on this. The City of Fresno has some indirect costs that they are going to absorb. They also have funding that they are putting together towards doing some of the engineering design for Audubon, and some of the other work that is in this area. The City of Fresno will also be allocating over a million dollars towards some of this work. Our funding and their funding combined are an important part of the process. It is recommended by the staff that the Board approves this, and we move forward on this project. Mr. Shelton introduced Mr. Jesus Avita from the City of Fresno to present.

Mr. Avita stated that he is excited to partner with the Conservancy and WCB in moving the project forward, and he will provide more details on the key points of the application and will answer any questions. He stated they are fully recommending to the Board to approve the 3.1 million to help fund the design and the engineering for the Eaton trail extension. He anticipates starting the job in January 2022, and then completing the design, and going out to bid and construction sometime in December 2023. There will be cost-sharing which will be handled internally. The goal of the job is to provide an enhanced river experience to the public by constructing the improvements that were mentioned by Mr. Shelton. Through the grant, the funding will allow them to prepare the final engineering design and construction documents and secure permitting. They will be creating three additional access points near Highway 41 and Perrin Avenue, Riverview Drive, and North Palm Avenue. In total, these three new access points will provide parking for 105 vehicles, three horse trailers, and a school bus drop-off location, along with providing new restrooms, park benches, approximately three miles of multiuse trails, and two viewing areas. The project is part of the Conservancy Master Plan to extend the trail from Friant Dam to Highway 99, and the City of Fresno is excited to be a part of that. Regarding the permitting, they are tracking the need for approximately seven permits from the US Army Corps of Engineers (USACE), Central Valley Flood Protection Board (CVFPB), Regional Water Quality Control Board (RWQCB), California Department of Fish and Wildlife (CDFW), State Lands Commission (SLC), and the San Joaquin Valley Air Pollution Control

District. In this portion of the grant, they would have acquired the seven permits that would allow them to move in and take the project to bid and construction. As part of the deliverables, they will be delivering according to progress reports in engineering design; and they plan to follow a four-phase design, 30 percent concept, 60 percent concept, 90 percent concept, and 100 percent concept. While those plans are being prepared consistent with the Environmental Impact Report (EIR), they will be preparing a habitat restoration and revegetation plan that will consider the native species or other features that should be restored or kept during construction. They will be pursuing the permits. The budget breakdown is as follows: they are expecting that the engineering design will take approximately two million dollars, with permitting most likely being the most expensive and costing at least one million dollars for these seven permits. Mr. Avita showed slides illustrating the conceptual designs of the proposed three access points. He explained their project schedule and budget, as previously detailed by Mr. Shelton, and noted that the City of Fresno will be partnering with the Conservancy to try to find out what the best solution is for the Del Mar and Audubon intersection. Mr. Avita also mentioned they received letters of support from Fresno Councilmembers Karbassi and Bredefeld and Fresno County Supervisor Brandau. Mr. Avita concluded the summary of their application and asked if there were any questions.

Ms. Vance noted that she remembers when the Board approved the EIR on this project, and there were questions about whether it would accommodate all three of these access points. She inquired what was the status of that, and if it was handled with an addendum.

Mr. Shelton replied that when the settlement process included all three access points and that the Conservancy staff prepared the addendum to cover both the base project access and the two additional access points included in two of the EIR alternative. The Board then approved the addendum. So yes, all three access points were covered in the addendum that was circulated, signed, and filed with the State Clearing House, and the review period has been closed.

Mr. Frazier stated that this was a great presentation, and it was great to be able to see all of this come to fruition. He thanked the Board, staff, and everyone that worked on this project to get it to this point. He stated that when the Board is ready, he would like to move for approval.

Mr. Janzen stated that the presentation lists a cost of approximately \$3.1 million, but Mr. Shelton stated there is \$10 million left in bond funding. He asked if funding will be depleted when the project was over.

Mr. Shelton answered that with our current funding that stands correct. He and Mr. Donnelly had a discussion on this earlier this week with staff. However, the Conservancy has some additional funding that may be applied towards this. In the past, we believed more bond acts were going to be passed, so we relied on some of that for our other projects that are currently in the planning stages to move them into the implementation. Most of the processes that the Conservancy currently has are probably two to two and half years out for any type of construction, so there will be somewhat of a bottleneck on approving projects after this one. He added that the Conservancy has a lot of work that is

going on. Currently, the Conservancy is the lead agency in three different CEQA processes. He noted that the Conservancy has obtained an additional \$15 million from the general funds for operations and maintenances that can potentially be transferred over to other project-like issues. However, when that is considered, we will have a lot of things to do within the next couple of years. Mr. Shelton clarified that the Conservancy does have some funding, but our bond funds are now getting tight.

Ms. Lukenbill inquired about the project location (noted on page three of the application). It listed several assessors' parcel numbers and the owners related to those parcels, but some of those appeared to be owners. She asked if those lands are being acquired, or if there are easements with the owners.

Mr. Shelton said that for most of the non-private parcels, we will be doing easements. We have been working with the Fresno Metropolitan Flood Control District (FMFCD), the City of Fresno, State Lands Commission, and the San Joaquin River Access Corporation regarding this. There is a parcel that is listed as SOB Enterprise LLC that he believes is the old designation, and now possibly part of the SJRAC, but this will all get clarified as permitting process goes through. So far, there has not been anything that he believes an easement will be necessary for other than public lands. The other reason that these are included is that some areas are near Conservancy property or contiguous; however, we do not own the bluff. The City of Fresno owns the bluff where the Conservancy has the access point, but there are other places within the project location where we do not own the bluff. In those areas that were shown, there is probably some of their land that is included that we wanted to make sure was being made public.

Chairman Karbassi asked if there were any other questions from Board members, and with none given, he went to public comment.

PUBLIC COMMENT:

Ms. Sharon Weaver, Executive Director of the San Joaquin Parkway and Conservation Trust, stated that she wanted to follow up on Ms. Lukenbill's question regarding the private parcels that are listed in the grant proposal. She said that there was nothing in the proposal that explained what type of work was going to be done on these private properties, and there is no information about whether these private property owners know that there is a project being planned near their land. She had her project manager, Jake Salimbene, map the aforementioned 4 ½ acre parcels to figure out where these properties are. They are the 4 ½ acre parcels that surround the Del Mar and Audubon intersection, which she assumes are related to the traffic light or traffic control. She stated this seems like an issue with the proposal if the Conservancy plans to utilize public funds on private property, and there is no information about what that means. She also asked about the ten million dollars left in bond funding for the Conservancy. According to Ms. Weaver, the last time she spoke to Mr. Shelton, there was purportedly 28 million dollars, and she is concerned about where all the money was spent. She requested that Conservancy staff add a presentation at the next board meeting to give an update on the utilization of bond funds.

Ms. Sheila Hakimipour offered her support for this project as a Bluff and Audubon resident. She stated that the reason that she invested in living in the neighborhood was knowing the potential for access opportunities that are currently beginning to happen all over the river. There has been a lot of discussion and controversy over some of the access points, especially on Palm and Nees, and she would like to encourage everybody to see the bigger vision of creating more access. That is something that is a common goal, and she believes we should all aim for and work around it. She is happy to see this project moving forward.

Mr. Karbassi asked if there were any other members of the public that had questions, with none, he moved it back to the Board for motion.

Mr. Frazier moved to approve the action item; the motion was seconded by Ms. Auston. The motion passed as follows:

Roll Call Vote:

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia		X	
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Mr. Gibson	X		

F-2 ACTION ITEM: Appointment of Board Ad Hoc Committee, Annual Evaluation of Executive Officer

Staff Recommendation: It is recommended the Chairman appoint Board members to serve on an ad hoc committee to perform a routine annual evaluation of the Executive Officer, with a report to the Board in closed session at the December 2021 meeting.

Mr. Shelton stated that he has approximately three years into the position, and this will be his second review. For this evaluation, he will give a review of the objectives he set a year prior, his objectives for the upcoming year, and his overall performance can be discussed. A merit salary adjustment and benefits will be considered. When the last review was conducted, the Board forwarded a recommendation to the California Natural Resources Agency (CNRA), but because of the budget issues, they were not approved at CNRA. He is hoping that this year, if he has a positive review, they can move it through. This evaluation will be a three-part process. First, a review will be done by the ad hoc committee

to advise the Executive Officer what his priorities should be for the next coming year. After the review of the ad hoc committee, the full Board will make the decision to make a recommendation, and lastly, it will go to CNRA for a merit salary adjustment.

Mr. Karbassi noted that although Ms. Forhan was not in attendance for the Board meeting, she had expressed an interest to him in serving in the ad hoc committee for Mr. Shelton's evaluation.

Mr. Frazier, Mr. Janzen, Ms. Auston, and Mr. Karbassi all volunteered to serve on the ad hoc committee designated for the annual evaluation of the Executive Officer.

Mr. Janzen moved to approve the action item; the motion was seconded by Mr. Frazier. The motion passed as follows:

Roll Call Vote:

Name	YES	NO	ABSTAIN
Mr. Karbassi	X		
Mr. Brandau	X		
Mr. Frazier	X		
Mr. Garcia	X		
Ms. Auston	X		
Mr. Janzen	X		
Ms. Vance	X		
Mr. Gresham	X		
Mr. Donnelly	X		
Ms. Scharffer	X		
Ms. Lucchesi	X		
Ms. Lukenbill	X		
Mr. Gibson	X		

G. ADMINISTRATIVE AND COMMITTEE REPORTS

Information Items. No action of the Board is recommended.

G-1 Organizations' Reports: If time allows, the following oral reports will be provided for informational purposes only and may be accompanied by written reports in the Board packet.

G-1a. San Joaquin River Parkway and Conservation Trust

Ms. Sarah Parkes shared that the Parkway Trust recently wrapped up the 2021 season of river camp. They were able to serve over 1,100 children from pre-school through high school at their four river camp sites, including Summer Peck Ranch, Owl Hollow, the River Center, and one in the community of Firebaugh. It was an incredibly successful season with no illnesses to report. It was special for the campers that were able to come out and engage in peer-to-peer interaction, outdoor education, and play

along in the river. The official start of their schoolyear field trip season just began in which they will be serving every sixth-grade student in Madera Unified. Their education team is at the first school site today and doing an in-class presentation. Later this fall, those students will visit them at Owl Hollow, and in the Spring, they will have a trip to Sycamore Island where they will get to canoe. For some of those children, it will be their first time, and it will be a fantastic experience. They will also be serving third and fourth-grade students from Fresno Unified School District. She mentioned the Parkway Trust has also recently had their first great harvest for white-wine grapes at Sumner Peck Ranch, and it was a successful operation. Soon, they will be working on the red-wine grapes. Many people are out enjoying that property thanks to the lease agreement with Solitary Sellers. Lots of visitors are able to access that site whether they are going to the winery or to enjoy a walk along the river.

Ms. Parkes noted that their restoration team recently cleaned up a large, abandoned homeless encampment at Sycamore Island. They are also experiencing quite a bit of vandalism and theft throughout the properties that they are operating, including Sycamore Island, Sumner Peck Ranch, and Owl Hollow. Additionally, there have been multiple fires that have been happening on the parkway. In fact, one occurred on the bluff across Old Friant Road last week, so they have been very concerned about that.

G-1b. River Tree Volunteers

Mr. Richard Sloan was not present to give a report. However, Mr. Gibson shared that Mr. Sloan and some volunteers were working on cleaning up a large homeless camp on the peninsula across from Sycamore Island. This peninsula is often accessed through Palm and Nees. Likewise, there are large amounts of trash that they are hauling and then trailering into a dumpster. Mr. Sloan continues to do the amazingly hard work needed along the river. Thanks to him and the many volunteers, River West will be reasonably cleaned up near the time the access points are completed.

G-1c. Central California Off Road Cyclist (CCORC)

Mr. Gary Bowser stated that he had nothing to report.

G-1d. San Joaquin River Access Corporation (SJRAC)

Mr. Barry Bauer stated that the SJRAC's basic motto is safe and convenient river access. Their properties are located at Palm and Nees, and he stated that they are open to the public if local ordinances are not violated. He mentioned a few unfortunate incidents that recently took place. There were a couple of arson fires that were extinguished by the Fresno Fire Department along the yellow gate road. A neighborhood resident witnessed a homeless couple starting the fire, and so they are trying to encourage their eyewitness to come forward with information in aiding the investigation. He mentioned a couple of incidents of unauthorized access. They cut the locks and were towed from the property. In another incident, a vehicle was blocking the entry point and making it impossible for their dumpster to get services. He mentioned all the cleanups of graffiti and encampments that Mr. Richard Sloan and volunteers have done. Mr. Bauer assisted recently on one of the graffiti cleanups.

Board member Vance stated that she recognizes landowners have been struggling with unauthorized encampments and access points, but she is hoping that when there is formalized access and lots of public eyes, that these incidents will decrease, especially with regard to River West.

Chairman Karbassi agreed and said that these organizations are essential to ensuring that we can have equitable, responsible, and safe access to the river. He thanked them for all that they do and relayed his concern hearing about the safety issues from both the SJRAC and Parkway Trust. He mentioned he and Mr. Shelton have been meeting with the Fresno County Fire Department to ensure that every year we can have fire breaks, so there is no added stress to property owners. He stated that homelessness is a tragic thing for people to go through, but regardless of that, we cannot allow public use of properties and private property to be victims of fires because that causes a real hazard and burden on taxpayers. He stated he is going to do everything he can to ensure there is more safety, and hopefully, some operations and maintenance money can be used to do that for both sides of our county borders.

G-2 Deputy Attorney General Report

Ms. Christina Morkner-Brown stated that she has two items to report. The first item is that Governor Newsom issued an Executive Order in June that is going to end certain provisions that the Board has been operating under, which include holding remote meetings. Under the order that was issued back in March of 2020, it allowed public agencies operating through both the Bagley Keen Act and the Brown Act, to suspend physical meeting location requirements and have meetings held remotely. However, under Executive Order N0821 issued on June 11th, those provisions end on September 30, 2021; so unless there is another order issued extending some of the provisions, then we resume back to the normal Brown Act and Bagley Keen Act requirements. The main requirements that pertain to this Board include: posting a physical meeting location, and posting the location of the Board members who are participating remotely to ensure that the location is accessible to the public.

Ms. Morkner Brown stated that she also researched whether there are modifications proposed for the Brown Act or Bagley Keen. She said she found one bill, AB 885 from Assemblymember Quirk, but it hadn't moved forward since March. It has been held in committee, and it would modify Bagley Keen to allow board members to participate remotely without posting or making their location publicly available, provided there is still a physical location where board members can participate, so we must watch whether that moves forward. This pertains only to Bagley Keen, which if AB 559 proceeds, this board would then operate under Bagley Keen once that goes into effect.

Chairman Karbassi stated that since there are a lot of things in flux, he wants to ensure that if we have any board members that are in quarantine, have health-related concerns, or are not comfortable with meeting in person, if they can let him know to what degree that they can participate in upcoming meetings, although they may not be able to vote remotely.

Ms. Morkner Brown clarified that as of today, we still have the remote provisions until September 30th. However, with the next Board Meeting scheduled in October, it would return to the prior provisions; so if Board members participate remotely, the recommendation is that they do so from a public office. Also, they would have to make that available to the public, under the existing provisions, and socially distance with masks and any other health requirements that are required for their locations.

Chairman Karbassi inquired if Board members can participate in a remote meeting if they do not have their location publicly noticed.

Ms. Morkner Brown said she believes if they are participating in that manner, then they are not participating as a board member. This is because to be a voting participating member, they need to follow all the provisions of the act. However, she would look into it.

Ms. Vance commented that if the Board does return to in-person meetings, she is hoping requirements will be made prior to the meeting for masking and spacing. This is a request for that to be considered and disseminated before we meet in person.

Mr. Karbassi stated he will work with the staff to provide some recommendations.

Ms. Morkner Brown stated that the second item to report was a quick update on AB 819, which is a CEQA bill that was passed and signed into law in July. It primarily updates CEQA to take into account that notices and other documents that are filed with OPR can be handled electronically. Some of these provisions were in place through emergency orders during the pandemic, and now they have been incorporated into the Statute. It also requires that the public review period is longer for state agencies, if they are a lead, state responsible, or trustee agency. For example, EIR's can be posted 30 days or 45 days. But if the state agency is a lead, responsible, or a trustee agency, it is 45 days. She believes most agencies do use the 45-day period. However, that is now required for negative declarations/mitigated negative declarations rather than the previous 20-day period. The 30-day public review period must be followed. Ms. Morkner Brown stated that there were no significant changes to the bill other than the aforementioned changes regarding the electronic filing and posting of the notice of decision on the agencies' website. A lot of agencies have already been doing this, but now it has been incorporated into the Statute.

G-3 Executive Officer Report

Mr. Shelton updated the Board on the state budget. Stating that the funds have relatively stayed the same this fiscal year. There was a change in the program delivery funding for Prop 84, and that was to cover some additional work with staff, and to have it reflect what we were already getting out of the Wildlife Conservation Board (WCB) and the Department of Parks and Recreation (Parks and Recreation). The Conservancy had a small increase in the Environmental License Plate Fund (ELPF) to cover an increase in salaries and expenditures for the Department of Justice (DOJ). In general, with our three staff, two positions are covered with ELPF funding, and the other position is covered utilizing bond funding

program delivery. Our legal advice from the Department of Justice is covered through the ELPF, and support staff at WCB and Parks and Recreation are covered through program delivery. The fundamental change was the appropriation that was received for the general fund for 15 million dollars. This was carried in the regular budget bill, and then there was a budget junior bill that put a more detailed description of how it can be spent. The Conservancy has three years to expend these 15 million dollars if we encumber it; and if we enter into contracts, we have an additional two years. However, staff resources and our regular operations typically use approximately \$400,000 to \$500,000 a year, so careful considerations will need to be made to decide how to spend this and where to spend it. There are several ideas we are pondering, and they may be within the delegated authority for us to do. For instance, Wildwood Native Park is currently open three days a week, but we believe we have the ability to immediately move that into a seven day a week operation. It is not certain yet if bids would have to go out to redo the process, or if we can just increase the service agreements that we currently have. The Conservancy has also had discussions with the Parkway Trust to do a similar change for Sycamore Island and change it from three days a week to a seven day a week operation. The main reason it is only opened three days a week is that Friday and weekend gate fees can usually cover the Parkway Trusts operating costs; and if the Conservancy decides on opening seven days a week, there will have to be some sort of supplements to be able to afford it being operated. Staff will work with Parks and Recreation to find out if it has to go back out for a solicitation for concession, but it is going to take a little while to clarify everything as we go through.

The Conservancy may be able to fund some bigger projects that will come to the Board for discussion and approval with the 15 million dollars. For instance, Mr. Shelton reached out to the Fresno Police Department's mounted patrol to see if they are interested in doing some patrolling of the river bottom. It would be helpful because there would be some police presence down in the area. We may be able to do the same thing with the two Sherriff's Departments, but we will continue to look into that. There have also been discussions with the City of Fresno's Fire Department and Cal-Fire regarding fire abatement. In the past, the California Conservation Corps, the Fresno Economic Opportunity Commission, and the Local Conservation Corps were utilized for fire abatement, and staff would possibly like to increase funding to do more of this. The Conservancy has the funding for the next three years, and if we get a Joint Powers Authority (JPA), we can get a contract with the JPA to do maintenance with this funding. We have three years to get that up and going, so we can do some of this work. The 15 million dollars is a huge increase in Conservancy funding, and Assemblymember Arambula and his staff were very instrumental in getting us this funding.

Mr. Shelton mentioned that there has been a lot of discussion on AB 559 that Assemblymember Arambula sponsored. In his Executive Officer's written report, there was a copy from the bill analysis from the Senate Committee on appropriations. It gives an outlook on the current bill that is being proposed on the Senate floor. It has gone through a couple of changes, so it has been interesting

to follow as it as it went through the process. The main issue is they are going to increase the Governing Board from 15 to 16 voting members. Two new members will be added, and then they are going to combine the Fresno Metropolitan Flood Control District (FMFCD) and the Madera Irrigation District (MID) into one alternating board position. The two new positions are important. The first one is a citizen representative of a Native American tribe or organization. This is either a tribe that is federally recognized or recognized under the Native American Heritage Commission as a California Native American Tribe. They will recommend or nominate members that will go up to the Governor's Office for final approval. The other new position is for a Youth member. The Youth member is nominated by organizations with youth or of higher education. The nominations will also be forwarded to and approved by the Governor's Office. Additionally, the citizen representative positions for both counties will be moved out of the approval from the Governor's Office. The Fresno County citizen representative will be nominated by the groups that serve recreational, environmental, social justice, and environmental justice issues, and then the County of Fresno will send that list to the Senate Rules Committee, and they will make the appointment. For the citizen representative for Madera County, a similar process will occur; however, once the County of Madera receives their list of nominations, they will forward it to the Speaker of the Assembly for the appointment. In total, we will move from three citizen representatives to five citizen representatives, with three of those positions continuing to be appointed by the Governor's Office, one position from the Senate Rules Committee, and the last position from the Speaker of the Assembly. It will also change our governing legislation from the Brown Act to Bagley-Keene Open Meeting Act. There will be changes with noticing, and it will make subcommittees and our ad hoc committees available to the public. This bill is currently on the Senate floor right now, and the Governor's Office will determine whether it is approved and signed.

Mr. Frazier supports that this bill is incorporating Native American and Youth members that are local rather than a non-local governor appointment. However, he was under the impression that it was not going to join MID and FMFCD into an alternating position. He believes it takes away the representation of Madera, the continuity of the board, and also, institutional knowledge.

Mr. Garcia stated that it would have been useful to have Assemblymember Arambula at this meeting to speak to the Board regarding the subject. He knows there has been a lot of discussion about what exactly he is proposing out of Assembly. Madera City Council took a vote early on in support of AB 559. Mr. Garcia stated that the Board has needed more inclusivity, and as far as the City Council looks at it, it is not removing people, it is expanding the Board to make it more diverse.

Ms. Vance reminded everyone that state agencies are not allowed to comment on pending legislation, so state representative silence does not indicate a lack of interest, but rather, following protocol.

Chairman Karbassi added that while he initially did support the City of Fresno's resolution to support AB 559, he regrets doing so. Initially, he was not an opponent of what the bill proposed: filling the Madera County citizen representative position, adding two additional citizen representative positions with a youth member and member from a Native American tribe/organization, and implementing the change of board operation with Bagley-Keene Open Meeting Act. However, he has come to believe that this is not what this bill is about. He believes that this has been more of a power grab by Sacramento, and now that the Senate Rules Committee is involved and will be making approvals on nominations, he believes that it takes away the sovereignty of the local government. He said he is especially disappointed that they will be combining both the MID and FMFCD into one alternating position. To him, that gives more of an advantage in numbers to the State, than the local community.

Mr. Shelton continued with the rest of his report. He stated that the other item he wanted to report was that the state bond act had not had any movement for several months. His understanding is that because of the state surplus and the extra funding given to many state agencies, legislative staff believes that there is no interest by the public for the bonds to be voted upon. That does cause some issues for agencies that only get temporary funding. The 15 million will be beneficial, but the Conservancy relies heavily on bond funds, which is a significant reason we want to do a Joint Powers Authority. This would provide the Conservancy more flexibility to do our own permitting and go for funding.

One of the project updates that he felt noteworthy to mention was that we are getting ready to have our kickoff for the Western Reaches Activation Plan, which is at Camp Pashayan and Milburn. He believes the kickoff will be in late September. We also did a kickoff with subcontractors at our Circle V Indigenous Cultural and Environmental Resource Center. The U.S. Green Building Council (USGBC) has also hired an architect firm, Art Dyson Associates. They are a local firm and well respected. In discussion with Lara Gromis, USGBC, she informed Mr. Shelton that they have an engineering firm to help do the CEQA.

G-4 Board Members' Reports and Comments
None.

H. CLOSED SESSION

Before convening in closed session, members of the public will be provided the opportunity to comment on Executive Session agenda items.

None

I. NOTICE OF ADVISORY AND BOARD COMMITTEE MEETINGS, OTHER PUBLIC MEETINGS RELATED TO CONSERVANCY MATTERS

None.

J. NEXT BOARD MEETING DATE

The next Board meeting is scheduled for 10:00 a.m. Wednesday, December 1, 2021, location to be determined.

K. ADJOURN

Board meeting notices, agendas, staff reports, and approved minutes are posted on the Conservancy's website, www.sjrc.ca.gov. For further information or if you need reasonable accommodation due to a disability, please contact the Conservancy at (559) 253-7324.

Mr. Karbassi adjourned the meeting at 11:32 a.m.

Respectfully Submitted,

John M. Shelton
Executive Officer- San Joaquin River Conservancy